

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**AND**

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION No.15858 of 2004**

Between:

Kodali Narasimha Rao, S/o. K. Nageswara Rao,  
Jaggayyapeta Municipality, 6-176, Sitharampuram,

Jaggayyapeta, Krishna District.

**..... PETITIONER**

**AND**

The Commissioner, Jaggayyapeta Municipal Council,

Jaggayyapeta, Krishna District. **.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the inaction on the part of the Jaggayyapeta Municipality in protecting public street/donka (Passage) connecting on Torruguntapalem - Vijayawada Road in Survey No.367, Opposite to SGS College, Jaggayyapeta, Krishna District, as arbitrary, illegal, capricious, high handed and violative of all cannons of law and justice, more particularly under Art.14 of the Constitution of India and Sections 172,184,189,190 and 192 of the A.P. Municipalities Act and consequently direct the respondent to remove all encroachments and unauthorised constructions on the public streets/donka(passage) connecting on Torruguntapalem-Vijayawada Road in Survey No. 367, Opposite to SGS College, Jaggayyapeta, Krishna District and ensure further encroachments on the same.

Counsel for the Petitioner: Mr.T.S.ANAND

Counsel for the Respondent: Mr.DAMMALAPATI SRINIVAS,  
STANDING COUNSEL FOR MUNICIPALITIES.

**The Court made the following :**

**ORAL ORDER:** (per the Hon'ble the Chief Justice)

The petitioner, a resident of Jaggayyapet Municipality made grievance that despite his representation, no action has been taken by the respondent Municipality to remove the encroachment on *donka poramboke* connecting Torruguntapalem and Vijayawada Road.

N.S.Appanna, Commissioner, Jaggayyapet Municipality has filed affidavit that representation was received from the petitioner, but due to non-availability of staff in the posts of Town Planning Supervisor and Town Planning Building Overseer, immediate action could not be taken. However, on joining the dealing staff, steps have been taken to issue notice to the encroachers, and a request has also been made to Mandal Revenue Officer to conduct a survey and demarcate the *donka* to enable the Municipality to take effective steps for removal of encroachments and restoration of the *donka poramboke* leading to Torruguntapalem to Jaggayyapet – Chillakallu Road.

We take the statement of N.S..Appanna on record and expect that the Municipality will proceed in accordance with law expeditiously and remove the encroachments and restore the *donka poramboke* and maintain it as a *donka poramboke*.

The writ petition stands disposed of accordingly.

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(DEVINDER GUPTA, C.J.)

16<sup>th</sup> November 2004.

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(C.V.RAMULU, J.)

ARS

To

1.The Commissioner, Jaggayyapeta Municipal Council,  
Jaggayyapeta, Krishna District.

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